

JOURNAL OF THE HOUSE.

Tuesday, April 1, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we pray for Your gift of wisdom and for the skills to address correctly the issues which come before us. Your assistance and guidance enables us to analyze accurately each day's legislative proposals and to keep all legislative items and their consequences in clear focus. In these changing and uneasy times, grant us the ability to cope with the demands which are made upon our time, energy and patience. In Your goodness, help us to make our communities safe and stable and to build confidence in our traditional institutions and values, both human and spiritual.

Grant Your blessings to the Speaker, the members and employees of the House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Petitions.

Mr. Stanley of Waltham (by request) presented a petition (accompanied by bill, House, No. 4636) of Thomas M. Stanley (with the approval of the mayor and city council) for legislation to authorize the city of Waltham to lease a certain parcel of land for the construction of a golf course; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Barrows of Mansfield, joint petition (subject to Joint Rule 12) of F. Jay Barrows and others for legislation to establish a sick leave bank for Matthew Dickey, an employee of the Department of Correction.

By Mr. Cabral of New Bedford and Senator Montigny, joint petition (subject to Joint Rule 12) of Antonio F. D. Cabral and others for legislation to regulate the release and parole of sex offenders and increasing the penalties for certain violations by such sex offenders.

By Mr. Canessa of New Bedford, petition (subject to Joint Rule 12) of Robert M. Koczera and others that students suspended from the public schools be required to serve such suspensions performing community services.

By the same member, petition (subject to Joint Rule 12) of Stephen R. Canessa and others for legislation to require the completion of community service by students as a requirement for graduation from the public high schools in the Commonwealth.

By Mr. Keenan of Salem, petition (subject to Joint Rule 12) of Cory Atkins and others for legislation to regulate social referral service contracts for the matching of consenting adults and regulating the fees charged for such services.

By Mr. Koczera of New Bedford, petition (subject to Joint Rule 12) of Robert M. Koczera that the Teachers' Retirement Board be directed to grant retirement benefits to Jeanie Soucy under the accidental disability retirement law.

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By the same member, petition (subject to Joint Rule 12) of Robert M. Koczera and others that convicted sex offenders be required to retain such classifications during appeal proceedings.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli that the Commissioner of Veterans' Services be authorized to provide headstones for certain deceased members of the National Guard.

By the same member, petition (subject to Joint Rule 12) of James R. Miceli that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Wilmington to A & S Towing, Inc. (subject to Joint Rule 12) of Eugene L. O'Flaherty that Edward Grace of the city of Boston be authorized to take open competitive examinations for the positions of police officer or fire fighter in the Commonwealth, notwithstanding the maximum age requirements.

By Mr. Webster of Hanson, petition (subject to Joint Rule 12) of Daniel K. Webster that the Department of Fish and Game be authorized to acquire a conservation restriction on certain land in the town of Hanson for the protection of habitat and passive recreation purposes.

Severally, under Rule 24, to the committee on Rules.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Samuel David Herec on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating Andrew Tore Nordstrom on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Spellane of Worcester) commending Julie Andrews for her life-long commitment to the arts and inspiring the world with her extraordinary talent;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Spellane, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1480) of Robert S. Creedon, Jr., Corey Atkins and Edward M. Augustus, Jr., for legislation relative to creditable service for school business administrators, and recommending that the same be referred to the Senate committee on Ways and Means,-- accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition (accompanied by bill, Senate, No. 2589) of Robert A. Antonioni and Stephen L. DiNatale (with the approval of the mayor and city council) for legislation to authorize the city of Fitchburg to use certain park land for the Wallace Civic Center and Planetarium and to lease the same to the Commonwealth, was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Harold P. Naughton, Jr., and James E. Vallee for legislation to regulate the modification of custody orders of parents on active military duty. Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Judiciary. Sent to the Senate for concurrence.

Report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3927) of John P. Fresolo relative to the granting of an income tax exemption for purchases of long-term care insurance.

Under suspension of the Rules, on motion of Mr. Spellane of Worcester, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Binienda of Worcester.

Report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on so much of the message from His Excellency the Governor recommending legislation relative to establishing the municipal partnership act (House, No. 3749) (as relates to sections 1, 2, 20, 22 to 29, inclusive, 31, 32 and 33).

Under suspension of the Rules, on motion of Mr. Hynes of Marshfield, the report was considered forthwith.

Pending the question on acceptance of the report, the subject matter was recommitted, on motion of Mr. Binienda of Worcester.

By Ms. Reinstein of Revere, for the committee on Elder Affairs, on Senate, Nos. 390, 391, 397, 404, 406, 407, 408, 423, 426, 427 and House, Nos. 622 and 2039, an Order relative to authorizing the committee on Elder Affairs to make an investigation and study of certain Senate and House documents concerning elder care, abuse prevention and other related matters (House, No. 4624) [Representative Frost of Auburn dissenting].

By Mr. Bradley of Hingham, for the committee on Election Laws, on House, Nos. 39, 626, 627, 628, 633, 634, 635, 636, 637, 638, 640, 642, 643, 644, 645, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 663, 665, 666, 667, 668, 669, 672, 673, 674, 675, 676, 677, 684, 689, 690, 691, 692, 693, 694, 695, 696, 698, 699, 700, 701, 702, 703, 704, 706, 707, 708, 709, 711, 713, 2028, 2230, 3777, 3945, 3948, 3963 and 3992, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning voters, campaign finance, elections and other related matters (House, No. 4625).

By Mr. Honan of Boston, for the committee on Housing, on the residue of House, No. 1237, and on Senate, Nos. 745, 753, 754, 756, 757, 758, 761, 762, 763, 764, 766, 768, 769, 777, 778, 779, 780 and 781 and House, Nos. 1201, 1203, 1207, 1209, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1225, 1226, 1236, 1237, 1239, 1241, 1242, 1243, 1247, 1256, 1259, 1260, 1261, 1262, 1264, 1265, 1268, 1272, 1273, 1274, 1277, 1278, 1279, 1280, 1282, 1283, 1285, 1291, 1292, 1293, 1294, 3785 and 3949, an Order relative to authorizing the committee on Housing to make an investigation and study of certain Senate and House documents concerning affordable housing in the Commonwealth (House, No. 4626).

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 2178, 2955, 3450, 3457, 3473, 3491, 3501, 3531, 3532, 3545, 3551, 3600, 3629, 3630, 3648, 3659, 3661 and 4357, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the Registry of Motor Vehicles (House, No. 4627).

By the same member, for the same committee, on House, Nos. 3441, 3518, 3521, 3565, 3609, 4175 and 4481, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning transportation, public works and other related matters (House, No. 4628).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill financing improvements to the Commonwealth's transportation system (House, No. 4562) ought to pass with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,-- that the bill be amended by substitution of a bill with the same title (House, No. 4609),-- pending [Bond Authorization: \$2,930,486,500.00 -- Total Amount of Authorization: \$4,822,486,500.00].

The committee on Ways and Means further recommended that the proposed substitute bill recommended by the committee on Bonding, Capital Expenditures and State Assets be amended by substitution, in part, of a bill with the same title (House, No. 4637) [Bond Authorization: \$3,515,400,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment recommended by the committee on Bonding, Capital Expenditures and State Assets and the further amendment recommended by the committee on Ways and Means pending.

Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling then reported that the matter be scheduled for consideration by the House, with the amendment and the further amendment pending.

Under suspension of Rule 7A, on motion of Smizik of Brookline, the bill was read a second time forthwith.

The further amendment recommended by the committee on Ways and Means,-- that the proposed substitute bill be amended by substitution, in part, of a bill with the same title (House, No. 4637),-- was read; and it was adopted.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the substituted bill (House, No. 4637) was read a second time forthwith; and it was ordered to a third reading.

On motion of the same member, the bill (House, No. 4562) then was recommitted to the committee on Ways and Means, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets pending.

By Ms. Reinstein of Revere, for the committee on Elder Affairs, on a petition, a Bill relative to council on aging formula grants (House, No. 611).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, Nos. 223 and 629, a Bill relative to a fire equipment grant program (House, No. 223).

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By the same member, for the same committee, on House, Nos. 2291 and 2364, a Bill relative to fees for the renewal of firearms identification cards by certain elderly persons (House, No. 2291).

By the same member, for the same committee, on a petition, a Bill relative to amusement devices (House, No. 2303).

By the same member, for the same committee, on a petition, a Bill relative to the federal protection service (House, No. 2305, changed in line 5, by inserting after the word "Service" the words "or the chief of police of the Department of Defense", in line 11, by inserting after the word "Administration" the words "Department of Defense"; and in the title by inserting after the word "Service" the words "Department of Defense Police").

By the same member, for the same committee, on a petition, a Bill relative to a report of firearms related statistics (House, No. 2326).

By the same member, for the same committee, on a petition, a Bill establishing reverse 911 service in the Commonwealth (House, No. 2327).

By the same member, for the same committee, on a petition, a Bill relative to improving playgrounds (House, No. 2338).

By the same member, for the same committee, on a petition, a Bill relative to elevator regulations (House, No. 2346).

By the same member, for the same committee, on a petition, a Bill establishing a permanent disaster relief fund (House, No. 2379).

By the same member, for the same committee, on a petition, a Bill relative to the Board of Appeals of the Fire Safety Commission (House, No. 2381).

By the same member, for the same committee, on Senate, Nos. 1373 and 1422 and House, Nos. 2325, 2375 and 2385, a Bill relative to increasing accessibility to nonlethal self defense sprays (House, No. 2385).

By the same member, for the same committee, on House, Nos. 2366 and No. 2386, a Bill to build and renovate fire and police stations in the Commonwealth (House, No. 2386).

By the same member, for the same committee, on a petition, a Bill relative to investigations of fire and explosions by the State Fire Marshal (House, No. 2391).

By the same member, for the same committee, on a petition, a Bill relative to mandatory boating safety education (House, No. 2400).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill providing health insurance coverage to the surviving children of police officers and firefighters killed in the line of duty (House, No. 2576) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading with an amendment previously recommended by the committee on Health Care Financing pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Providing for the establishment of a fire department in the town of Georgetown (Senate, No. 2343, amended); and

Authorizing the town of Orleans to operate a sewer system (Senate, No. 2452); and

House bills

Relative to the composition of the Massachusetts Water Resources Authority Board of Directors (House, No. 735);

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Relative to bank branches (House, No. 962);

Relative to private passenger automobile insurance (House, No. 1022);

Clarifying certain banking laws (House, No. 1044);

Improving the efficiencies of banks (House, No. 1082);

Relative to the signing of death certificates (House, No. 2134, changed);

Relative to the transporting of deceased persons (House, No. 2278);

Relative to antique cars (House, No. 2417);

Authorizing the transportation board of the town of Brookline to regulate valet parking in the town of Brookline (House, No. 4492);

Authorizing the town of Brookline to lease town owned property for an additional thirty years (House, No. 4493);

Protecting governmental units from unanticipated health care costs (House, No. 4566); and

Designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (House, No. 4919);

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Mariano of Quincy, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 930) of Paul C. Casey relative municipal participation in the Group Insurance Commission.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 931) of Robert Correia and others for legislation to require travel agents to file surety bonds with the Commissioner of Insurance.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 938) of James B. Eldridge and others for legislation to preserve health care insurance for certain college graduates.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 940) of Christopher G. Fallon relative to termination of coverage in certain accident and health insurance policies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 952) of Paul K. Frost for legislation to require health insurers to offer certain parents and parents-in-law a health insurance buy-in plan.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1012) of Ronald Mariano relative to the cancellation or modification of contracts of insurance producers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1018) of Ronald Mariano relative to insurance contracts between carriers and health care providers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1041) of Kevin J. Murphy and others for legislation to establish the office of Commissioner of Insurance as an elected position.

By the same member, for the same committee, ought NOT to pass, on part of the petition (accompanied by bill, House, No. 1237) (as relates to sections 7 and 8) of Kevin G. Honan and others for legislation to protect homeowners from mortgage foreclosures.

By the same member, for the same committee, ought NOT to pass, on part of the petition (accompanied by bill, House, No. 1290) (as relates to section 5) of David M. Torrissi and others for legislation to establish a home preservation fund to preserve and promote homeownership.

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By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3854) of Robert Correia and Barbara A. L'Italien for legislation to include home care providers in the health insurance plan for public employees.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, ought NOT to pass, on the petition (accompanied by bill, House, No. 2312) of Michael Chizy for legislation to require police officers directing traffic to wear white gloves.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by bill, House, No. 3917) of Paul K. Frost for legislation to establish a division of foreign travel and tourism within the Office of Travel and Tourism.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3918) of Paul K. Frost that the Office of Travel and Tourism be directed to administer a program for the promotion of foreign travel to the Commonwealth.

By Mr. Wagner of Chicopee, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3598) of William Smitty Pignatelli for legislation to increase the maximum number of letters and numbers on license plates from six to eight.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Engrossed bills

Increasing the membership of the board of selectmen in the town of Georgetown (see House, No. 4166); and

Authorizing the city of Salem to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4456);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.